

Hearing Announcement for the Application for State of Washington Water Quality Certification, Mitigation Bank Certification, and Coastal Zone Management Act Consistency

Interested parties are hereby notified that the Washington State Department of Ecology (Ecology) has received an application to perform work in waters of the United States as described below. Ecology has also received a request for certification of this project as a wetland mitigation bank.

Ecology will review the work pursuant to Section 401 of the Clean Water Act, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act. Ecology will also review the work pursuant to the State Draft Wetland Mitigation Bank Rule (Washington Administrative Code 173-700).

This public notice is consistent with the requirements of Section 401 of the federal Clean Water Act and Chapter 173-225 of Washington Administrative Code. This notice is only intended to inform all interested parties of the proposed project and to seek comments from the public, local, state, federal, and tribal agencies. It does not indicate approval of the proposed project by any state agency.

Overview

The proposal is to construct and operate a privately-owned, 396-acre wetland mitigation bank in Mount Vernon, Washington. A wetland bank is a site where wetlands are restored, created, enhanced or preserved before unavoidable authorized wetland losses occur. The purpose of the Skagit Environmental Bank is to provide, for sale to the general public, high-quality, consolidated, watershed-based compensatory mitigation. Bank credits would be available – subject to regulatory approval- for future projects with unavoidable impacts to wetlands and other aquatic resources.

Skagit Environmental Bank:

Public Notice Date:
May 21, 2009

Comment Period Ends:
June 11, 2009

In addition to written comments a
hearing is scheduled

Hearing Date: June 4, 2009

Hearing Time: 6:00pm

Hearing location:
Skagit Station, Community Room
105 E. Kincaid
Mount Vernon, WA 98273

Written comments should be sent to:

Christina Merten
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600

chme461@ecy.wa.gov

Special accommodations:

If you need this publication in an alternate format, call the Shorelands and Environmental Assistance program at 360-407-6096. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

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Written comments need to be post marked or emailed no later than June 11, 2009. Oral comments will be taken at the public hearing scheduled for June 4, 2009 starting at 6:00 pm. Any comments received during this hearing will be accepted and made part of the record.

Applicant

Clear Valley Environmental Farm, LLC
PO Box 2281
Sebastopol, CA 95473
ATTN: Jerome Ryan
Telephone: (707) 874-2780

Location

The location of the proposed 396-acre Skagit Environmental Bank is 1.5 miles northeast of Mount Vernon in Skagit County, Washington, bounded by State Route (SR) 538 on the south, SR 9 and Babcock Road on the east, and Swan Road on the north. Please see attached Project Vicinity Map, Figure A-1, for exact location.

Proposed Improvements

The proposed work will restore wetlands and streams for use as a wetland mitigation bank. The project will rehabilitate 13,000 feet of existing stream channel and riparian habitat; and enhance 142 acres of uplands. About 80 percent of the site is expected to be wetland following completion of all phases of construction.

The work will be done in three phases. During Phase 1, three engineered log jams will be placed in the mainstem and east fork of Nookachamps Creek and drainage ditches will be filled with soil from existing berms that restrict overbank flow from the ditches and creeks. After monitoring the effects of Phase 1 activities on groundwater levels and surface flow patterns, Phase 2 will involve extensive grading and planting of the site to restore wetland, create the high-flow back channels, and enhance upland areas. Phase 3 will include minor grading and additional planting as needed.

Impacts to aquatic resources from construction of the bank are expected to be mitigated by the bank project itself. The net gain of wetland and stream acreage and function will be significant. The overall goals, design, service area map and other details of the mitigation bank project can be seen in the Skagit Environmental Bank Draft Mitigation Bank Instrument (MBI), which is available at the following link to Ecology's website: <http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/sites/skagit.html>.

Previous Public Notices

Two public notices have been published by the Corps and Ecology on this project. The proposed project has not changed since the last public notice that was issued on January 2, 2009. Both notices are available at: http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/pn_archive.html

Proposed Service Area

The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. The proposed service area for the Skagit Environmental Bank extends to within the Skagit County portion of the Water Resources Inventory Area 03 (WRIA 03), located in the Lower Skagit/Samish Watershed east of the easternmost boundaries of Swinomish Slough, Skagit Bay, Padilla Bay, and Samish Bay, excluding all islands and all brackish marshes, halotrophic wetlands or wetlands influenced by saline conditions of >0.5 parts per thousand salt at any time during the year. Figure E-1 shows a map of the currently proposed service area.

Credit Ratios

Credit ratios are negotiated between the IRT and the Bank Sponsor during development of the draft MBI. These ratios represent the acreage of restoration that is needed to earn each credit. Ratios vary depending on the type of restoration activity and the likelihood of success of the restoration. For example, in the case of this Bank, 1.5 acres of successfully rehabilitated wetland can earn one credit. In wetland rehabilitation, the Bank Sponsor is expected to restore historical processes and functions to degraded areas of existing wetland. The proposed credit ratios for this Bank are 1:1 for re-establishment of wetland, 1.5:1 for rehabilitation of existing wetland, 3:1 for restoration of riparian upland, and 5:1 for restoration of other upland areas. Based on these ratios, the total number of credits that may potentially be made available for sale is about 242.

As credits become available for release, proponents of development projects may purchase them for use as permitted compensatory mitigation. Credits are permitted for use only after applicants have shown that mitigation sequencing has been followed. Ratios recommended by the IRT for credit use from this Bank are 1.2:1 for impacts to Category II wetlands, 1:1 for Category III wetland impacts, and 0.85:1 for Category IV wetland impacts. Credit requirements to compensate for impacts to Category I wetlands are reviewed on a case-by-case basis. These ratios represent the number of Bank credits that are recommended to compensate for each acre of wetland impact. Use of mitigation banks as compensation for development projects, as well as the number of required credits, must be approved by the permitting agencies with jurisdiction over the affected aquatic resources.

Credit Award Schedule

Credits for mitigation banks are awarded to the Bank Sponsors by the IRT agencies as performance standards are met at the Bank site. Performance standards include administrative milestones, such as recording the conservation easement that places the property under permanent protection, as well as actual targets for performance such as establishing wetland hydrology, or meeting the minimum required cover for native trees and shrubs. The total available credits are scheduled to be released throughout the period during which the Bank site is becoming established. The establishment period for this Bank may vary depending on when each of the three phases is constructed, but it will extend over a minimum of 13 years from the date that the MBI is signed. Of the potential 242 credit total, it is proposed that 30% be released during Phase 1, 55% during Phase 2, and 15% during Phase 3.

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Additional Information

The bank sponsor is currently working with a multi-agency review team to finalize the MBI in accordance with 33 CFR Part 325 and 332 *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*, dated April 10, 2008, and applicable state, local, and other federal requirements. The Draft MBI is available electronically for review and comment at:

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/sites/skagit.html>

A hard copy of the Draft MBI will be available for review during the public hearing on June 4, 2009. A hard copy of the Draft MBI is also available for review at the following location:

Washington State Department of Ecology
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

For more information about wetland mitigation banking in Washington

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html>

If you would like to receive updates about wetland mitigation banking in Washington, sign up for Ecology's listserv:

<http://listserv.wa.gov/cgi-bin/wa?A0=WETLAND-MITIGATION-BANKING>

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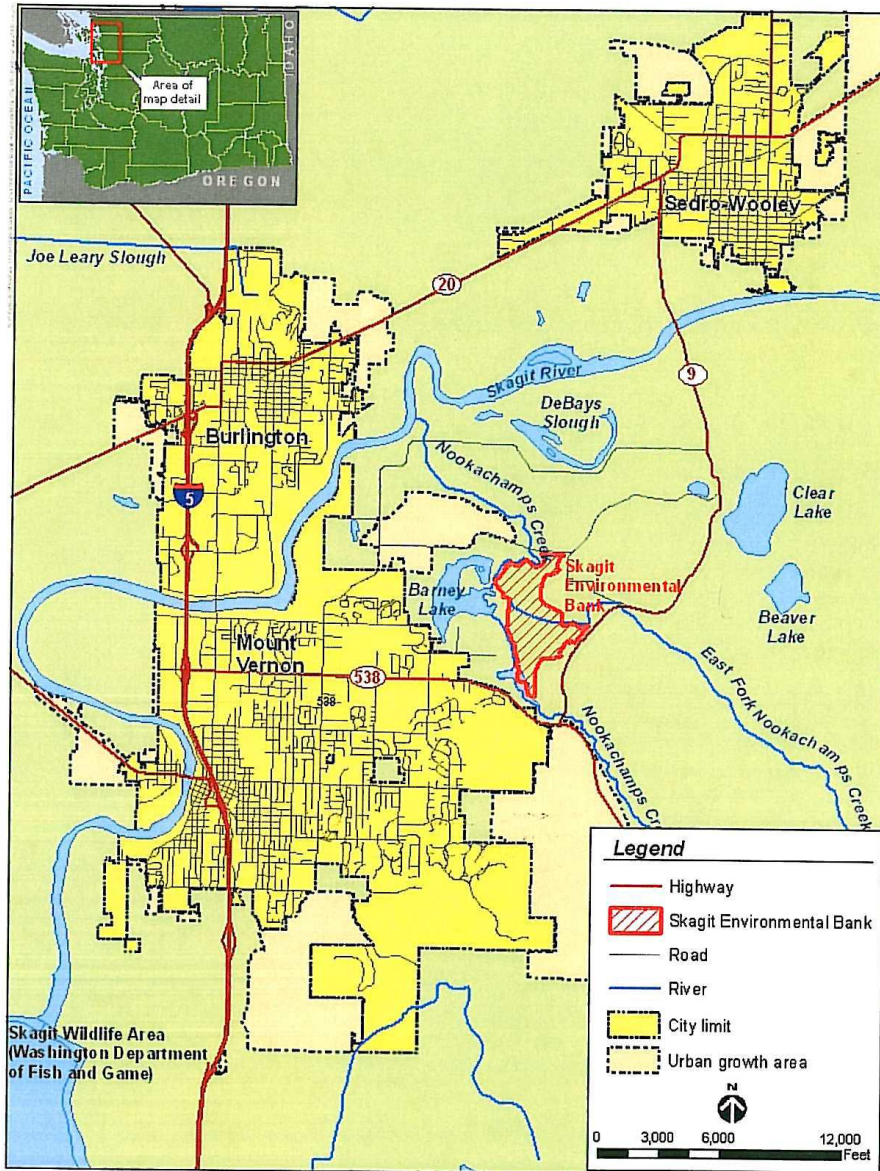


Figure A-1. Site location.

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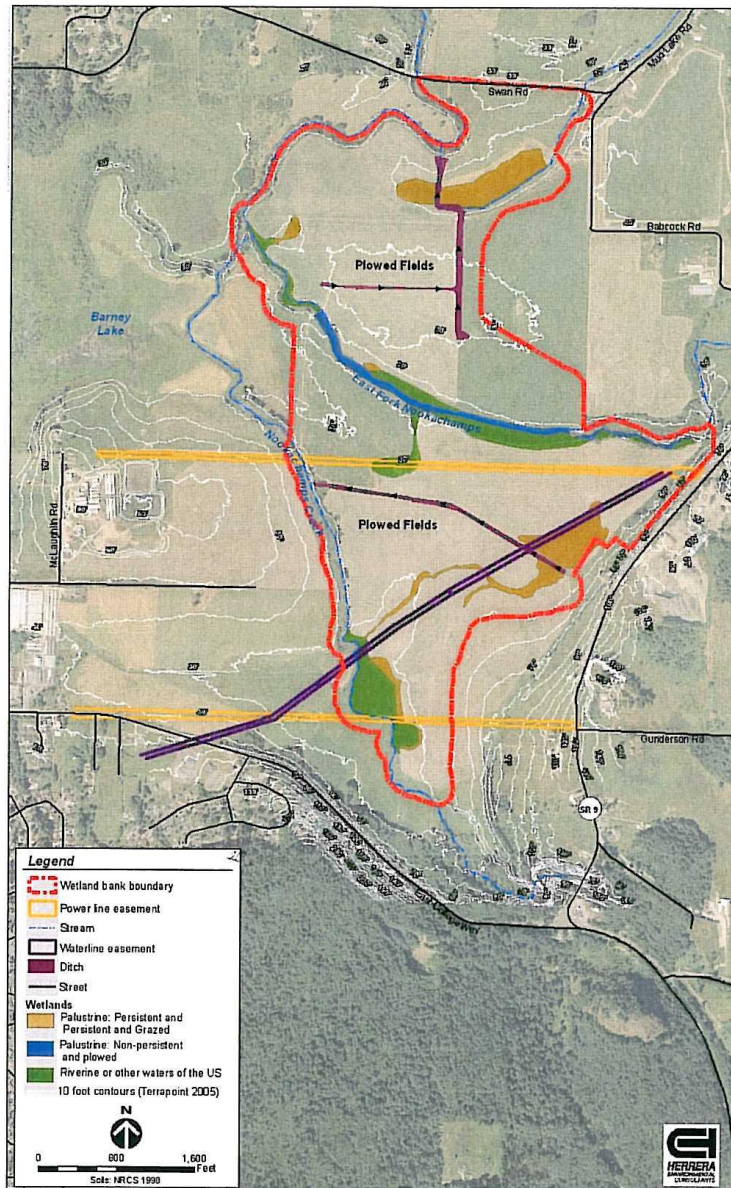


Figure A-2. Existing conditions.

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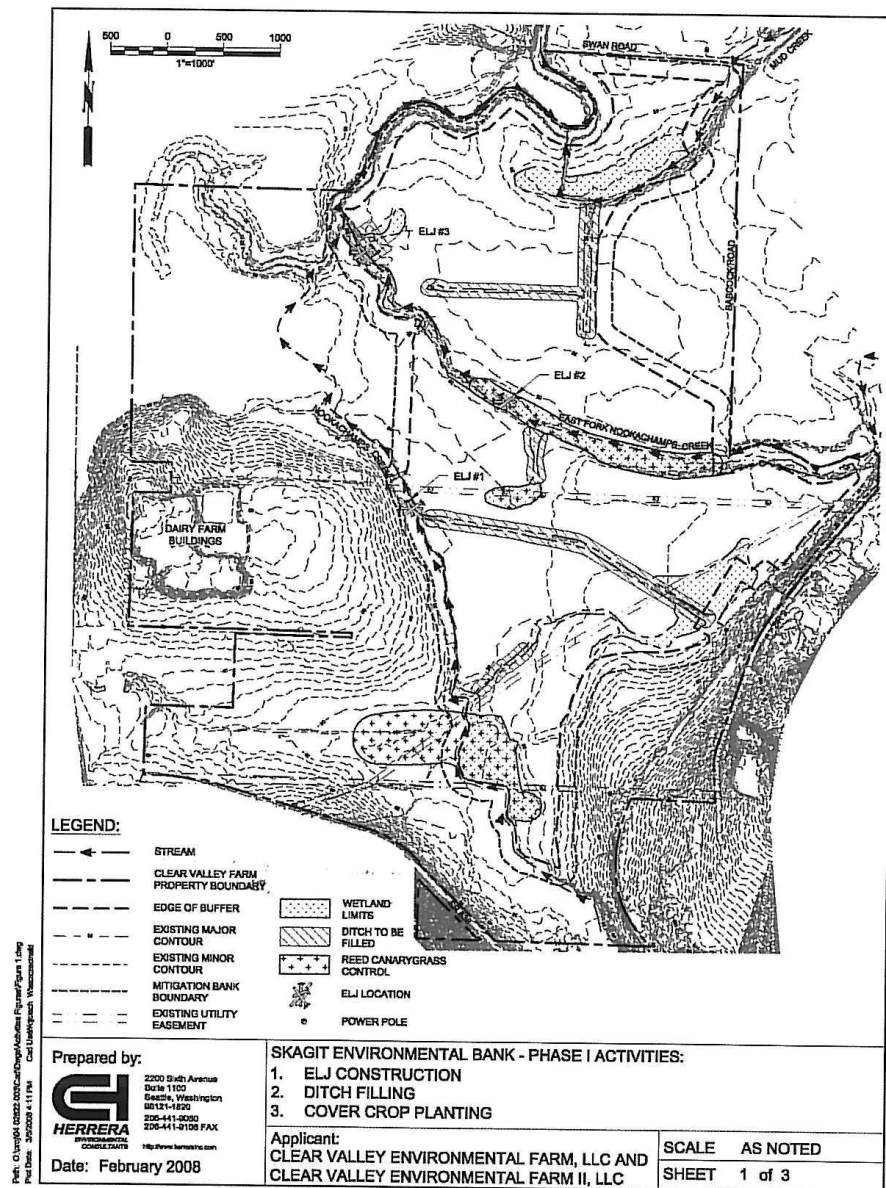


Figure B-1

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Figure B-2

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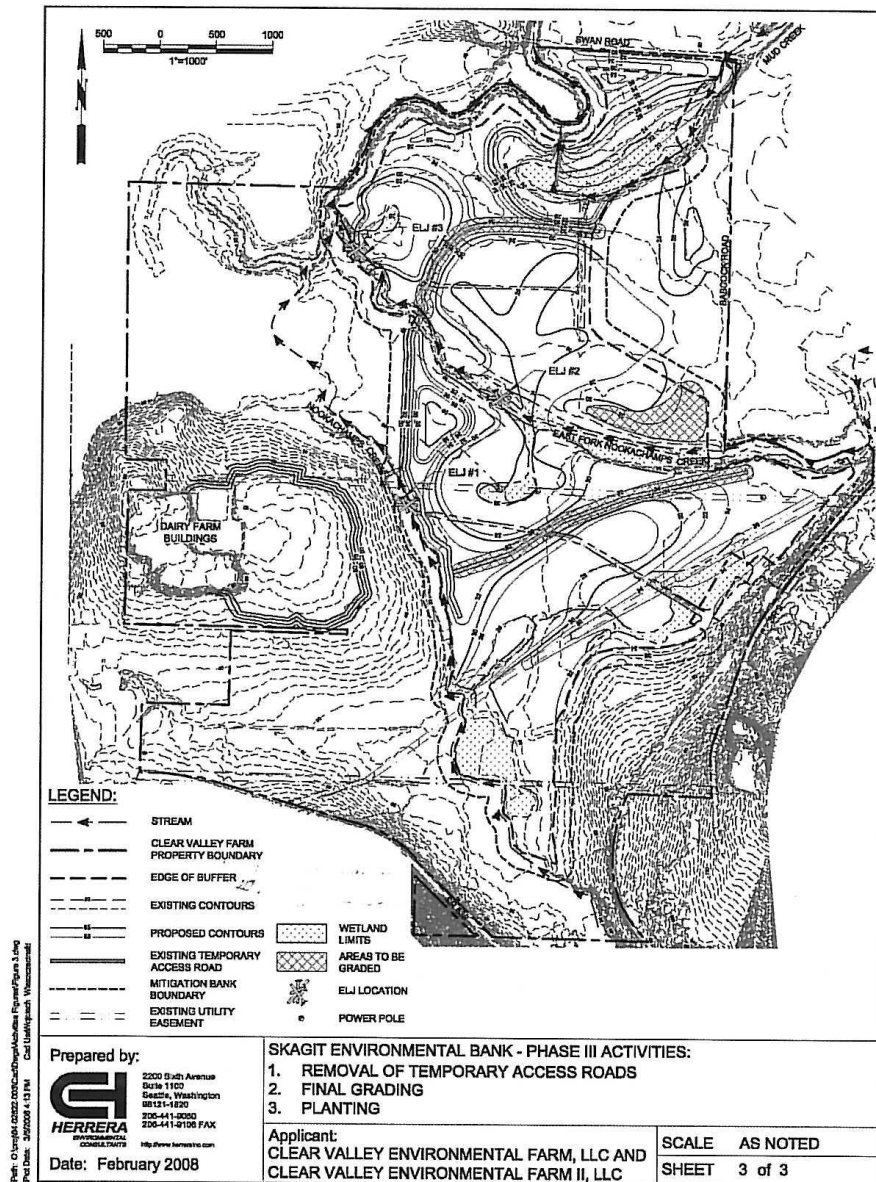


Figure B-3

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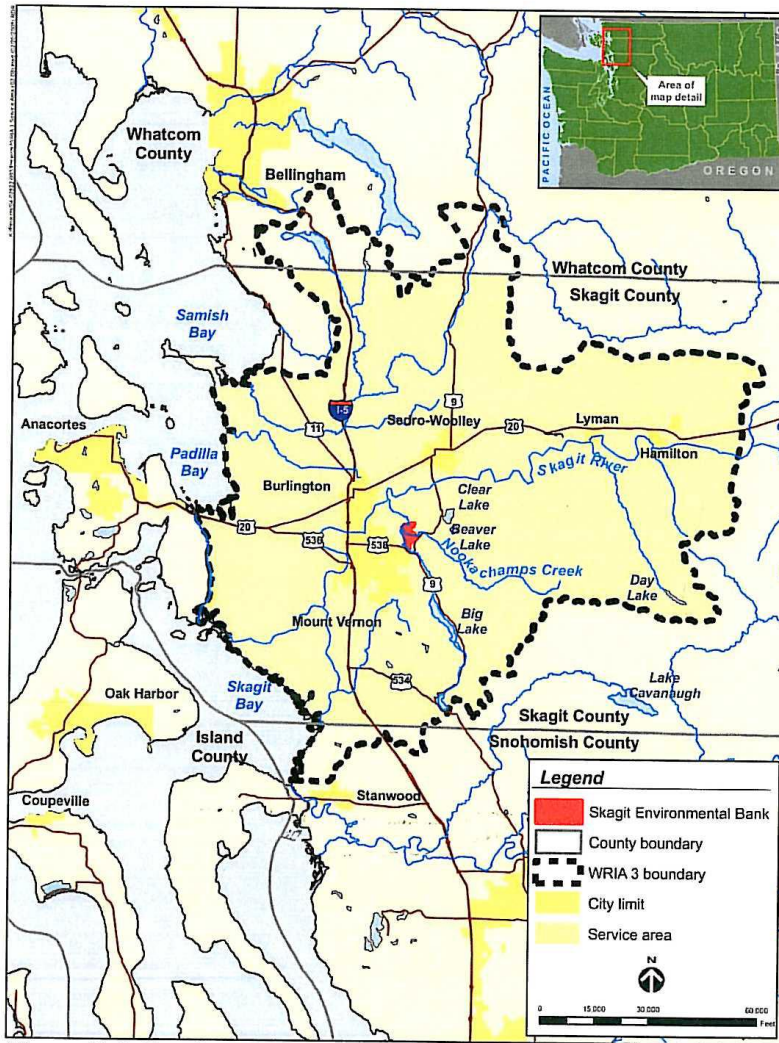


Figure E-1. Service area.